

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2437

Introduced by Assembly Member Ting

February 19, 2016

An act to add Section 7353.4 to the Business and Professions Code, and to add Section 98.10 to the Labor Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 2437, as amended, Ting. Barbering and cosmetology: establishments: posting notice.

(1) The Barbering and Cosmetology Act provides for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices by the State Board of Barbering and Cosmetology. The act requires the licensure of any person, firm, or corporation operating an establishment engaged in a practice regulated by the board, as specified, and requires a licensed establishment to comply with various requirements. That act requires the board to inspect an establishment within 90 days after issuing the establishment a license and requires the board to maintain a program of random and targeted inspections of establishments, as specified. A violation of the Barbering and Cosmetology Act is a misdemeanor unless a specific penalty is otherwise provided.

This bill would require, on and after July 1, 2017, an establishment licensed by the board to post a ~~specified~~ notice *regarding workplace*

rights and wage and hour laws, as described in paragraph (2), in a conspicuous location in clear view of employees and where similar notices are customarily posted. The bill would require the board to inspect an establishment for compliance with that requirement when it conducts the above-mentioned inspection, and would provide that a violation of that posting requirement is punishable as an administrative fine.

(2) Existing law creates the Division of Labor Standards Enforcement within the Department of Industrial Relations, and vests the division with the general duty of enforcing labor laws, including those relating to wage claims and employer retaliation. Existing law provides that the Labor Commissioner is the Chief of the Division of Labor Standards Enforcement.

This bill would require the Labor Commissioner, on or before June 1, 2017, to create a model posting notice pertaining to the workplace rights and wage and hour laws for employees of establishments licensed under the Barbering and Cosmetology Act. The bill would require the model posting notice to ~~contain clear and concise~~ *be developed using plain language* and would require the commissioner to post the notice on the commissioner's Internet Web site, as specified. The bill would require the notice to contain, at a minimum, certain information, including laws regarding overtime compensation. ~~The bill would authorize the commissioner to consult with the Barbering and Cosmetology Board about providing the notice in additional languages other than English. The bill would require the model notice to be translated into specified languages.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7353.4 is added to the Business and
- 2 Professions Code, to read:
- 3 7353.4. (a) On and after July 1, 2017, an establishment licensed
- 4 by the board shall, upon availability of the posting notice developed
- 5 by the Labor Commissioner pursuant to Section 98.10 of the Labor
- 6 Code, post that notice in a manner that complies with the
- 7 requirements of Section 98.10 of the Labor Code in a conspicuous
- 8 location in clear view of employees and where similar notices are
- 9 customarily posted.

1 (b) The board shall inspect for compliance with this posting
2 requirement when it conducts an inspection pursuant to Section
3 7353.

4 (c) A violation of this section shall be punished by an
5 administrative fine established pursuant to Section 7407 and shall
6 not be punished as a misdemeanor under Section 7404.1.

7 SEC. 2. Section 98.10 is added to the Labor Code, immediately
8 following Section 98.9, to read:

9 98.10. (a) On or before June 1, 2017, the Labor Commissioner
10 shall develop a model notice pertaining to workplace rights and
11 wage and hour laws for employees of establishments licensed
12 under Chapter 10 (commencing with Section 7301) of Division 3
13 of the Business and Professions Code. The model posting notice
14 ~~shall contain clear and concise~~ *be developed using plain* language
15 and be accessible on the Labor Commissioner's ~~Commissioner's~~
16 Internet Web site so that it is reasonably accessible to an
17 establishment that must comply with Section 7353.4 of the
18 Business and Professions Code. ~~The Labor Commissioner may~~
19 ~~consult with the Board of Barbering and Cosmetology in providing~~
20 ~~the model posting notice in additional languages other than English.~~

21 (b) The model notice shall include information, including, but
22 not limited to, all of the following:

23 (1) Misclassification of an employee as an independent
24 contractor.

25 (2) Wage and hour laws, including, but not limited to, minimum
26 wage, overtime compensation, meal periods, and rest periods.

27 (3) Tip or gratuity distribution.

28 (4) How to report violations of the law.

29 (5) Business expense reimbursement.

30 (6) Protection from retaliation.

31 (c) *The model notice shall be translated into Spanish,*
32 *Vietnamese, and Korean.*